

**PLANNED UNIT DEVELOPMENT STAFF REPORT****Date: June 5, 2003****DEVELOPMENT NAME**

Old Shell Commercial Park

**LOCATION**3309 Old Shell Road  
(South side of Old Shell Road, 30'± East of I-65 Service Road North)**PRESENT ZONING**

B-3, Community Business

**AREA OF PROPERTY**

1.42± Acres

**CONTEMPLATED USE**

Multiple buildings on a single-building site consisting of multiple lots with shared access.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate

**ENGINEERING****COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

**REMARKS**

The applicant is requesting PUD approval to allow multiple buildings on a single lot of record.

The site has been the subject of previous PUD and Subdivision applications, one of which was similar to the request now before the Commission by providing access via an easement through an existing strip development; and the second (most recent) which proposed access through the site's existing Old Shell Road frontage. Neither request is valid because conditions of approval were not met and the approvals have since expired.

The applicant has now removed a manufactured structure (one of several structures on the site) and replaced it with a new manufactured structure that is approximately two times as large as the previous one and is in a different location. This work was done without benefit of any permits or approvals.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate

access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

As stated above, access to the site is via an easement across an existing strip development and the plan indicates that the drive actually crosses another property, neither of which are included or shown on the site plan. In order for proper review of the overall property and to ensure that there is adequate access, parking etc., a comprehensive site plan illustrating all properties involved should be submitted.

*The applicant has submitted a revised site plan that illustrates the building location on the adjacent property, as well as the parking and circulation.*

*Based upon review of the revised plan and several site visits, problems associated with access to the site in question were found. First, as stated above, the only improved access to the site in question is via a 25' easement across a strip commercial development. No record of an approved PUD (or PBG, predecessor to PUD) to allow the multiple buildings on the lot in question or to allow the access easement has been found. The easement appears to be a deeded easement, and is not reflected on the recorded plat for this subdivision. Furthermore, the improvements located within the access easement are not sufficient for a two-way traffic circulation lane (a minimum of 24' is required).*

*Additionally, site visits have found vehicles parked within the easement, adjacent to the strip commercial building. Given the configuration of the easement and the location of the building, any parking within the easement impedes circulation and creates a safety hazard, both for general circulation as well as for emergency vehicle access.*

*Another problem is a dirt/gravel "drive" that connects the site in question to the access easement. This dirt/gravel "drive" is not only unpaved and substandard in width, but it also crosses another property.*

*Also, a site visit found a sign for the site in question located on the adjacent strip center property. While the sign appears to be located in the access easement, it is on a separate property and is thus an off-premise sign. Including this sign, there are multiple signs (at least three) on the strip center property. With a combined street frontage of less than 500', the overall site (all of the commercial strip center and the property in question) would not have adequate frontage to be allowed multiple signs. Additionally, the sign was erected without a permit.*

*The sign owner has contacted the UDD staff and inquired about the legality of the sign and indicated that the property owner has advised that the sign should be removed.*

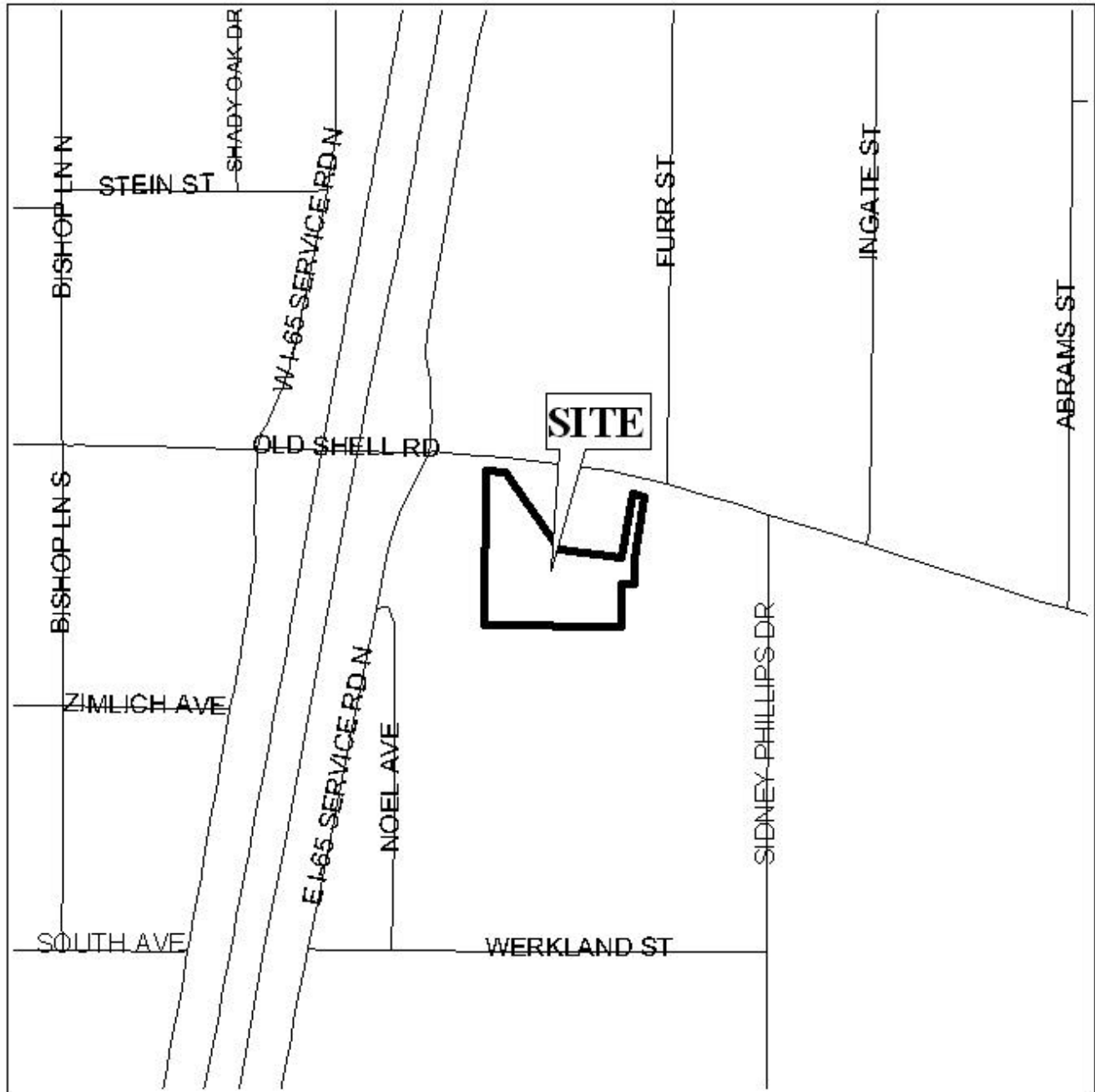
*As a side note, the owner of the adjacent strip commercial property has not agreed to be a part of this application, the assertion being that it is not necessary since the applicant has an easement across the property. While there may be a deeded easement, there are several improvements that would need to be made on the adjacent property that may be beyond the area and scope of the easement; such as reconfiguration of parking to provide a minimum of a 24'*

*wide drive for the entire length of the easement, including reconfiguring access for better circulation; provision of no parking signs at the West end of the commercial strip center building to maintain an open, unobstructed drive to the site in question; barricades across the dirt/gravel drive sufficient to close it; and reevaluation of signage to comply with the Ordinance.*

**RECOMMENDATION**

*Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) additional paving or reconfiguration of parking to provide a minimum of a 24' wide drive for the entire length of the easement, including reconfiguring access for better circulation, to be approved by Traffic Engineering and Urban Development Staff; 2) provision of no parking signs at the West end of the commercial strip center building to maintain an open, unobstructed, 24' wide drive to the site in question; 3) provision of barricades across the dirt/gravel drive sufficient to close it; 4) signage to comply with the requirements of the Zoning Ordinance; 5) compliance with the landscaping and tree planting requirements of the Zoning Ordinance, to the greatest degree practicable, to be coordinated with Urban Forestry and Urban Development Staff; and 6) full compliance with all municipal codes and ordinances, including but not limited to the developer obtaining all required permits. Any conditions which are beyond the area and/or scope of the easement must be coordinated with the property owner of the commercial strip center property.*

## LOCATOR MAP



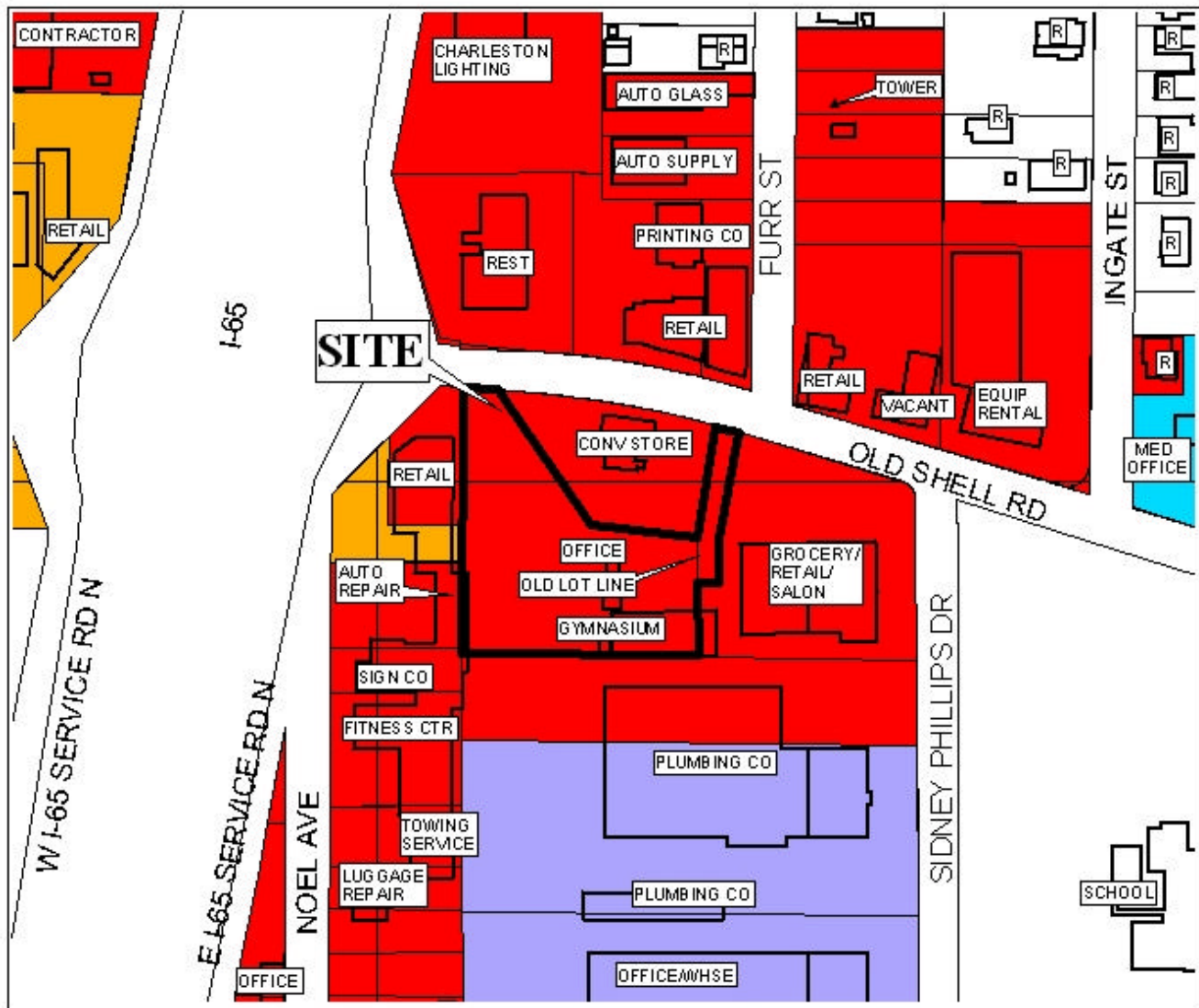
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APPLICANT Old Shell Commercial Park

REQUEST Planned Unit Development



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



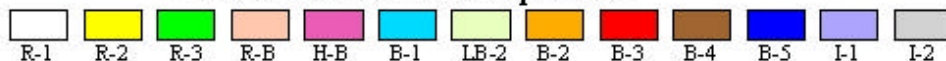
Commercial sites are located to the north, south, and west of the site. A school is located to the east of the site. Single-family, residential units are located to the north and east of the site.

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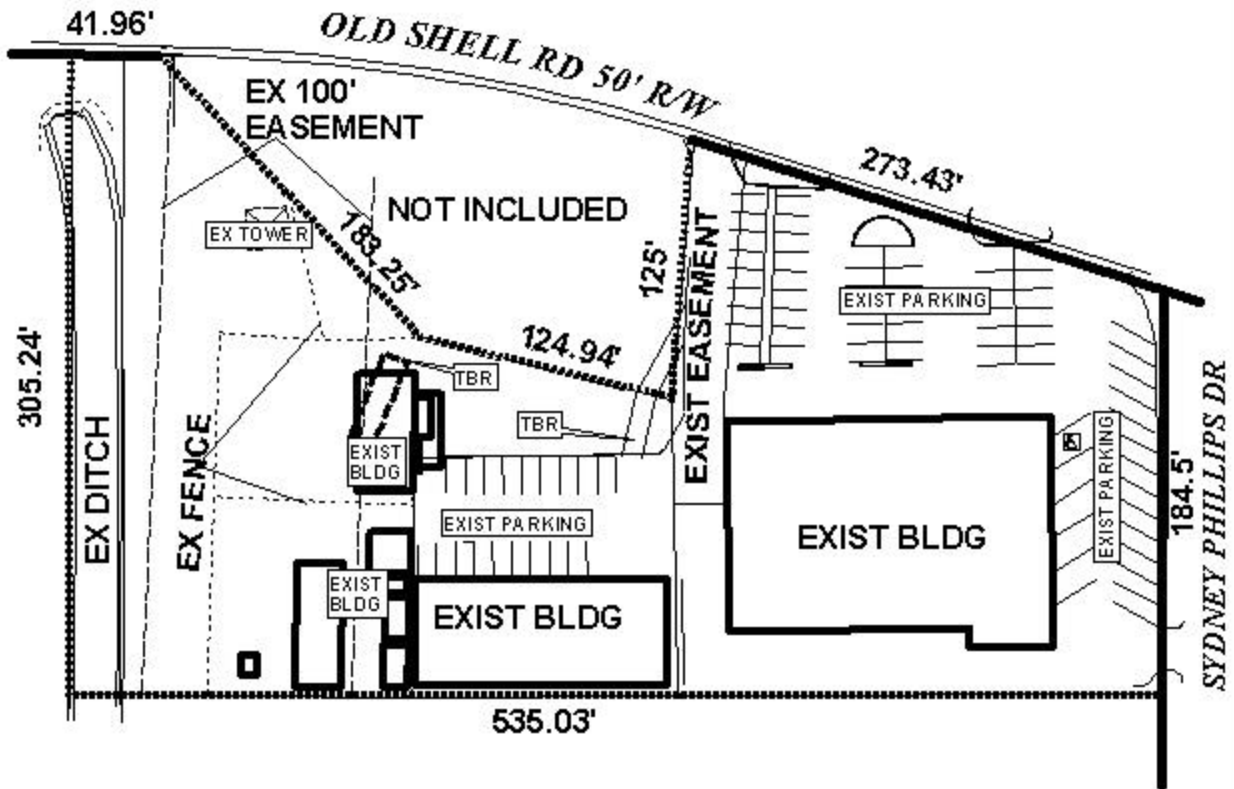
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LEGEND



# SITE PLAN



South side of Old Shell Road, 30' East of I-65 Service Road North, the site plan illustrates the existing drainage, utility, and proposed access easements, existing buildings, parking, and fencing

APPLICATION NUMBER Holdover DATE August 7, 2003

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